

# NASHUA CITY PLANNING BOARD BYLAWS

## ARTICLE 1 - AUTHORITY

- 1.1 These Bylaws were adopted on February 2, 2012 at a regular meeting of the Nashua City Planning Board.
- 1.2 The provisions of these bylaws are subject to any and all applicable state or local laws, regulations, or ordinances.

## ARTICLE 2 - PERSONNEL APPOINTMENTS

- 2.1 The Nashua City Planning Board (NCPB) shall consist of nine (9) members, 3 ex-officio, which shall include the Mayor, or the Mayor's appointed representative, the City Engineer, and a member of the Board of Aldermen who shall be selected by it, and six (6) persons who shall be appointed by the Mayor, and confirmed by the Board of Aldermen, in accordance with NH RSA 673:2. Each member shall be a voting member. In addition to the nine (9) members, the NCPB may also consist of no more than five (5) alternates selected in accordance with NH RSA 673:6; with each alternate member empowered to vote whenever a regular member is either absent or whenever a regular member disqualifies oneself per NH RSA 673:11. Selection, qualification, terms removal and filling of vacancies shall be in accordance with NH RSA 673:2, NH RSA 673:6, NH RSA 673:11, NH RSA 673:12, NH RSA 673:13, NH RSA 673:14, and NRO Sec. 190-236(B). Any alternate member may sit with the Board and participate in discussion during any regular or special meeting. All other rules that apply to voting members shall apply to non-voting alternates sitting and participating with the Board including, but not limited to, disqualification or recusal of a member.
- 2.2 If any member is absent from three consecutive regularly scheduled meetings, without a valid reason in the opinion of the Board, the member may be recommended to the appropriate authority for removal from office.

## ARTICLE 3 - ORGANIZATION

- 3.1 Officers - The officers of the Board shall be a Chair, Vice-Chair, and Secretary.
- 3.2 Chair - The Chair shall preside at all meetings of the Board and shall sign all instruments for the Board once approved or final action taken.

The Chair shall have the authority to appoint committees authorized by the Board, appoint heads of committees, and shall perform other duties as the Board may direct.

- 3.3 Vice-Chair - The Vice-Chair shall perform the duties of the Chair in the absence or incapacity of the Chair.

- 3.4 Secretary - The Secretary shall keep the records of the Board, including the minutes of all meetings, public hearings and proceedings in a journal which shall include the names of members present and voting where a vote is taken.

In the absence of the Chair and/or Vice Chair the Secretary shall serve as Chair and sign all instruments for the Board once approved or final action taken.

- 3.5 Temporary Absence - In the absence of any officer at a regular or special meeting, an officer pro tempore may be elected by the Board.

#### **ARTICLE 4 - ELECTION OF OFFICERS**

- 4.1 Nomination of Officers shall be made from the floor at the annual meeting and the elections shall follow immediately thereafter. All Officers shall be nominated from the appointed six (6) regular members.
- 4.2 Voting shall be conducted by voice vote or show of hands.
- 4.3 A candidate receiving a majority vote of a quorum of the Planning Board shall be declared elected and shall serve until a successor has been elected at the next annual meeting.
- 4.4 Should any office of the Board become vacant, the Board shall elect a successor at the next regular meeting to serve the unexpired term of said office. Voting shall be conducted as described in Sections 4.2 and 4.3 above.

#### **ARTICLE 5 - MEETINGS**

- 5.1 Annual Meeting - The annual meeting shall be held immediately following the first regular meeting of the year.
- 5.2 Regular Meeting - Regular meetings shall be held at 7:00 p.m. on the first and third Thursday of each month unless such date be a legal holiday, in which event said meeting shall be held on the next succeeding secular day, unless otherwise voted by the Board. Only one regular meeting will be held in January, April, July, August, September, and December. The Board may at its discretion, cancel a regularly scheduled meeting.
- 5.3 Special Meeting - Special meetings shall be called by the Chairman, or in his/her absence, by the Vice-Chair. The request for such a meeting shall specify the purposes of the meeting and no other business may be considered except by unanimous consent of the Board. The Chair shall select the date, time, and place of the special meeting and all members of the Board shall be notified not less than three (3) days in advance of any special meeting. No business shall be acted upon at the special meeting unless a quorum is present.
- 5.4 Postponements - A meeting may be postponed or eliminated by the Chair due to adverse weather, lack of a quorum, or similar reasons and all members will be notified.

5.5 Conduct of Meetings - A majority of the total membership of the Board present and voting shall constitute a quorum for the purpose of conducting business of the Board, but a smaller number may meet and adjourn. When a quorum is present and voting, action shall be taken by the Board upon a majority vote of all members present after the conclusion of each public hearing, except when otherwise specified by legislation.

5.6 Order of Business - At a regular meeting, the following shall be the order of business:

- a. Call to Order
- b. Roll Call
- c. Approval of Minutes of the Previous Meeting
- d. Communications
- e. Report of Chairman & Committee
- f. Nonpublic Session (if warranted)
- g. Chair Reads Procedure of the Meeting
- h. Old Business
  - Conditional/Special Use Permits
  - Subdivision Plans
  - Site Plans
- i. New Business
  - Conditional Use Permits
  - Subdivision Plans
  - Site Plans
- j. Other Business
  - Aldermanic Referrals
  - Review of Tentative Agenda
  - Other Issues
- k. Discussion Items
- l. Adjournment

5.7 Manner of Voting - The voting on all questions shall be by voice vote or by show of hands, and entered into the minutes, showing the number of yeas, nays or abstentions on each question. A voting member may request a roll call vote.

5.8 Minutes - Minutes shall be taken of all regular or duly called special meetings of the Board. Pertinent discussion shall be included in the minutes on each matter taken under advisement as well as the vote on and the reasons for any official action of the Board. Copies of each action shall be transmitted to appropriate individuals or agencies. All decisions made by the Board including minutes of said meeting shall be made available in accordance with the State of NH Right-to-Know Law.

5.9 The Planning Board meetings may generally be run as per "Roberts Rules".

## **ARTICLE 6 - PUBLIC HEARINGS**

6.1 In addition to those required by law, the Board may, at its discretion, hold public hearings when it decides that such hearings will be in the public interest.

- 6.2 Procedures - At a regular or duly called special meeting, the Board shall vote the time and place of a public hearing. Said vote shall also include, in addition to the requirements of state and local laws and regulations, the full text of the subject, the name of the newspaper and dates of public hearing, and where appropriate, the referral of the proposed matter to other public agencies.
- 6.3 Public Notice - Notices of the public hearing(s) shall be published in a paper of general circulation in the City in a manner prescribed by state and local laws and regulations.
- 6.4 Order of Business of Hearings - At a public hearing, the following shall be the order of business.
- a. Reading of legal notice of public hearing.
  - b. Vote shall be taken to make a determination that the application is complete and ready to take jurisdiction.
  - c. Presentation of the plan by the applicant.
  - d. Questions of the applicant from the board.
  - e. Staff is consulted to see if they have anything to add.
  - f. Public comments from anyone wishing to speak in opposition or concern of the plan.
  - g. Public comments from anyone wishing to speak in favor of the plan.
  - h. Rebuttal from the applicant regarding public testimony.
  - i. One public member among the audience allowed to speak to the applicant's rebuttal comments.
  - j. Hearing testimony will cease and the board will resume the public meeting where they will discuss and vote on the plan.

## **ARTICLE 7 - COMMITTEES**

- 7.1 Appointments - The Chair has the authority to appoint necessary standing and temporary committees, as needed. These committee members need not be members of the Planning Board. The Chair may appoint the Chair of the committee at the time of its establishment.
- 7.2 Duties - In appointing such committees, the Chair shall prepare a list outlining the responsibilities of each committee established.
- 7.3 Reporting - Each committee shall report to the Board on the implementation of its responsibilities as appropriate, but not less than once every four (4) months.

## **ARTICLE 8 - AMENDMENTS**

These bylaws shall be enacted and amended only by a majority vote of the total voting membership of the Board at a regular monthly meeting following a meeting at which the proposed bylaws or amendments thereto were introduced.

## ARTICLE 9 - STANDARD OPERATING PROCEDURES

9.1 General - In order to perpetuate desirable operating procedures, these bylaws shall be supplemented with any operating procedure which the Board enacts in accordance with Article 8.

9.2 Agenda - An agenda shall be prepared and mailed not less than five (5) days prior to the regular meeting and three (3) days prior to a special meeting. All development proposals including Conditional Use Permits, Special Use Permits, Site Plans and Subdivisions must be included on the agenda in order for them to be considered by the Board at its meeting. In order to be included on the agenda, the application shall be deemed complete per NRO 190-125.

A preliminary deadline gives reviewing agencies an approximate two (2) week review period. Agency review deadline is when all relevant city, state, and federal agencies comments and reports are due. A plan review meeting between the applicant and the Nashua City Planning Department Staff may be scheduled right before or after the agency review deadline to review NCPB checklist.

9.3 Checklists - A checklist of requirements shall be completed by the Planning Department staff and included in each case file.

9.4 Information for Members - All Planning Board members shall be provided with such information as will facilitate the discharge of their duties. The information to be provided shall consist of the following:

- a. Planning Board member list
- b. Meeting calendar
- c. Copy of the Nashua Land Use Code
- d. Zoning Map
- e. List of web links for State statutes, City master plans, and other documents.
- f. Planning Board Bylaws
- g. Planning Board Handbook

9.5 Recording Subdivision Plan in Registry of Deeds - The Planning Board shall not record any subdivision plan in the Registry of Deeds until after the statutory appeal period has run unless waived by the Planning Board.

APPROVED ON 2-2, 2012

By:

  
Chair, Nashua City Planning Board